

**CALIFORNIA DEPARTMENT OF INSURANCE  
INVESTIGATIVE SUBPOENA**

Lisbeth Landsman-Smith, Staff Counsel  
California Department of Insurance  
Legal Division  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814

Telephone No.: (916) 492-3561  
Fax No.: (916) 323-1883

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA  
DAVE JONES**

In the Matter of: Metropolitan Life Insurance Company's  
Practices and Procedures Relating to the Use of Death  
Master File Data and Related Information

File Number: IH-2011-00002

**INVESTIGATIVE SUBPOENA**

Pursuant to §12924(a) of the California Insurance Code

THE PEOPLE OF THE STATE OF CALIFORNIA, TO: Metropolitan Life Insurance Company, C/O Jere Keprios,  
CT Corporation System, 818 West Seventh Street, Los Angeles, CA 90017 (Attention: Carl  
Robert Henrikson, Chairman, President & Chief Executive Officer)

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in these proceedings as follows unless you make a special agreement with the person named in item 3.

Date & Time: May 23, 2011 at 9:30 a.m.	Address: Secretary of State, First Floor Auditorium 1500 11 <sup>th</sup> Street Sacramento, California 95814
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2. **AND YOU ARE**

- a. ☒ ordered to appear in person and testify under oath on the topics referenced in Exhibit 1 (attached).  
b. not required to appear in person if, prior to the date of your appearance, you produce a true, legible, and durable copy of the records described in the accompanying affidavit or by providing said records forthwith  
c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal appearance of the custodian of records or other qualified witness and the production of the original records is required by this SUBPOENA.

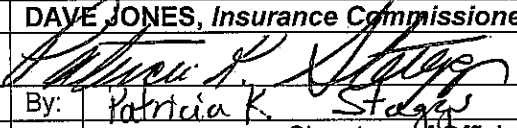
3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME AND DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE SURE THAT YOUR PRESENCE IS REQUIRED, CONTACT THE OFFICIAL ISSUING THIS SUBPOENA, BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

Lisbeth Landsman-Smith, Staff Counsel

Telephone No.: (916) 492-3561

4. **Witness Fees:** You are entitled to witness fees unless you are a party to the proceeding or an officer or employee of the State of California or a political subdivision thereof. Unless you are a party to the proceedings, you are entitled to mileage actually traveled, both ways. If entitled, you may demand advance payment at the time of the service of this SUBPOENA for one day's attendance. Alternately, you may request fees and mileage prior to the time of your scheduled appearance from the official named below or from the investigator named in item 3, above.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT**

April 25, 2011		DAVE JONES, Insurance Commissioner	
Date Issued			
Patricia Staggs	(415) 538-4500	By:	Patricia K. Staggs
Name & Telephone Number of Official		Signature of Official	

**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the official issuing the subpoena for further information.

# CALIFORNIA DEPARTMENT OF INSURANCE

DAVE JONES, *Insurance Commissioner*

In the Matter of: Metropolitan Life Insurance Company's  
Practices and Procedures Relating to the Use of Death  
Master File Data and Related Information

Investigation pursuant to §12924  
Of the Insurance Code

## AFFIDAVIT IN SUPPORT OF INVESTIGATIVE SUBPOENA

File No.: 1H-2011-00002

I, Lisbeth Landsman-Smith, declare:

1. I am Staff Counsel with the California Department of Insurance, assigned to investigate insurers' practices and procedures relating to the use of Death Master File data and related information.
2. California Insurance Code section 790.03(h) prohibits insurers from knowingly committing or performing with such frequency as to indicate a general business practice specified unfair claims settlement practices. The Commissioner is investigating whether Metropolitan Life violated California Insurance Code section 790.03(h).
3. California Insurance Code section 10172.5(a) specifies obligations related to payments of benefits under life insurance policies. The Commissioner is investigating whether Metropolitan Life violated California Insurance Code section 10172.5.
4. California Insurance Code sections 717 and 700(c) require that as a condition of holding a certificate of authority, an insurer must meet qualifications related to "competency, character, and integrity of management" (Ins. Code § 717(e)), "whether claims under policies are promptly and fairly adjusted and are promptly and fully paid in accordance with law and the terms of policies" (id. § 717(g)), and "fairness and honesty of methods of doing business" (id. § 717(h)). The Commissioner is investigating whether Metropolitan Life meets the requirements of California Insurance Code sections 717 and 700(c) with respect to practices related to the payment of death benefits under life insurance policies where MetLife has or had knowledge of the deaths of insureds through DMF or other sources.
5. The topics described in Exhibit 1 are material to the issues and good cause exists for the appearance of Metropolitan Life in that the information sought is material, relevant, and necessary for proper investigation of potential violations of the California Insurance Code.

Executed on April 25, 2011 at Sacramento, California.



Signature of Declarant

Lisbeth Landsman-Smith - STAFF COUNSEL

**CALIFORNIA DEPARTMENT OF INSURANCE  
INVESTIGATIVE SUBPOENA**

**EXHIBIT 1**

The person appearing on behalf of Metropolitan Life to testify before the Insurance Commissioner must be prepared to testify regarding the following topics:

1. Policies and procedures, specific rules, specifications, project descriptions, manuals, and and/or instructions concerning use of the Social Security Death Master Files ("DMF") to identify potentially deceased customers across all lines of business;
2. Metropolitan Life's identification of deceased annuity contract owners or annuitants through use of DMF;
3. Metropolitan Life's identification of deceased life insurance policy insureds through the use of DMF;
4. Metropolitan Life's identification of deceased retained asset account holders through the use of DMF;
5. Metropolitan Life's identification of deceased annuity contract owners or annuitants through the use of information obtained from sources other than DMF;
6. Metropolitan Life's identification of deceased life insurance policy insureds through the use of information obtained from sources other than DMF;
7. Metropolitan Life's identification of deceased retained asset account holders through the use of information obtained from sources other than DMF;
8. Metropolitan Life's project to match DMF data with Metropolitan Life's insureds (otherwise referred to as the "SSDI Project" or "Project SSDI");
9. Metropolitan Life's searches performed for lost customers or shareholders related to Metropolitan Life's demutualization;
10. Any other searches by Metropolitan Life for lost or deceased customers or shareholders performed by Metropolitan Life at the time of demutualization or thereafter;
11. Metropolitan Life's calculation of dormancy periods for purposes of identifying unclaimed property for each of its products;
12. As required by California Insurance Code Section 790.03, with respect to annuity contracts for which Metropolitan Life has identified deceased annuity contract owners or annuitants, Metropolitan Life's current and past practices and procedures for prompt investigation, processing and settling of death benefits for named beneficiaries or contingent payees;
13. As required by California Insurance Code Section 790.03, with respect to life insurance policies for which the Metropolitan Life has identified deceased insureds, Metropolitan Life's current and past practices and procedures for prompt investigation, processing, and settling of life insurance proceeds for named beneficiaries or contingent payees;

14. As required by California Insurance Code section 10172.5, Metropolitan Life's current and past practices and procedures for (a) paying interest on death proceeds of life insurance policies left on deposit 30 days after the date of death of the insured, (b) whenever possible paying beneficiaries money payable under life insurance policies within 30 days after the date of death of the insured, and (c) notifying named beneficiaries at their last known address that interest will be paid on the proceeds of life insurance policies from the date of death of the named insured

15. With respect to practices related to the payment of death benefits under life insurance policies where MetLife has or had knowledge of the deaths of insureds through DMF or other sources, the "competency, character, and integrity of management" of Metropolitan Life (Cal. Ins. Code § 717(e)), "whether claims under policies are promptly and fairly adjusted and are promptly and fully paid in accordance with law and the terms of policies" (*id.* § 717(g)), and "fairness and honesty of methods of doing business" of Metropolitan Life (*id.* § 717(h)).

16. Metropolitan Life's compliance with Part 3, Title 10, Chapter 7 of the California Code of Civil Procedure (California's Unclaimed Property Laws);

17. Metropolitan Life's life insurance policy and annuity recordkeeping; and

18. Coordination and information sharing among different units, divisions or affiliates of Metropolitan Life in connection with payments under life insurance policies, annuities, and retained asset accounts.

**PROOF OF SERVICE OF  
SUBPOENA FOR  
PERSONAL APPEARANCE AT HEARING**

1. I served this Subpoena for Personal Appearance at Hearing by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (check one):

(1) ☐ were offered or demanded and paid. Amount....\$ \_\_\_\_\_

(2) ☐ were not demanded or paid.

f. Fee for service:.....\$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from Registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. ☐ Name, address, telephone number and, if applicable, county of registration and number:

**I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(Signature)